

AMENDED IN SENATE MARCH 10, 2003

**SENATE BILL**

**No. 128**

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**Introduced by Senator Bowen**  
**(Coauthors: Senators Burton and Perata)**

February 5, 2003

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~~An act to add Section 2899 to the Public Utilities Code, relating to~~  
*An act to add Article 6 (commencing with Section 2899) to Chapter 10*  
*of Part 2 of Division 1 of the Public Utilities Code, relating to*  
*telecommunications.*

LEGISLATIVE COUNSEL'S DIGEST

SB 128, as amended, Bowen. ~~Telecommunications~~ *Cellular telecommunications service.*

*Existing law empowers the Public Utilities Commission to regulate telecommunications services and rates of telephone corporations and to require telephone corporations to provide customer services. Under existing federal law, the Federal Communications Commission licenses providers of cellular radiotelephone service.*

*This bill would require that providers of cellular radiotelephone service extend a minimum 30-day grace period to new customers during which the customer may rescind the agreement, without cost or penalty, if the customer finds that the cellular service quality is unsatisfactory, except that the customer would be required to pay for those services used prior to the cancellation of the agreement. The bill would further require that providers of cellular radiotelephone service provide notice to consumers of these rights. The bill would except commercial accounts, as defined, and contracts where customers are not required to purchase more than one month of service, from these requirements.*

~~Existing law authorizes the Public Utilities Commission to supervise and regulate every public utility in the state, including telephone corporations, and to require telephone corporations to provide customer services.~~

~~This bill would declare the intent of the Legislature to establish policies, in subsequent legislation, to provide consumer telecommunications protections.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 2899 is added to the Public Utilities~~  
2 ~~Code, to read:~~

3 ~~2899. It is the intent of the Legislature, in subsequent~~  
4 ~~legislation, to establish policies to provide consumer~~  
5 ~~telecommunications protections.~~

6 *SECTION 1. Article 6 (commencing with Section 2899) is*  
7 *added to Chapter 10 of Part 2 of Division 1 of the Public Utilities*  
8 *Code, to read:*

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10 *Article 6. Cellular Telecommunications Service*

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12 *2899. (a) Every provider of cellular radiotelephone service*  
13 *shall without cost or penalty, extend to new cellular service*  
14 *customers, a grace period of at least 30 days, for customers to*  
15 *rescind the agreement and terminate service, if the customer finds*  
16 *that the cellular service quality is unsatisfactory, except that the*  
17 *customer shall pay for those services used prior to the cancellation*  
18 *of the agreement. Every new cellular radiotelephone service*  
19 *agreement shall provide reasonable notice of this grace period and*  
20 *the right of the customer to rescind the agreement if the customer*  
21 *finds that the cellular service quality is unsatisfactory.*

22 *(b) This section shall not apply to commercial accounts or to*  
23 *contracts for cellular radiotelephone service where customers are*  
24 *not required to purchase more than one month of service. For*  
25 *purposes of this section, "commercial accounts" mean any*



1 *account that includes service for five or more cellular*  
2 *radiotelephones.*

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